

Appl. No. 10/769, 256
Amdt. Dated July 9, 2007
Reply to Office Action Mailed June 11, 2007

REMARKS

Election/Restrictions

Restriction is required under 35 U.S.C. §121.

In response to the restriction requirement, Applicant hereby elects Group II, claims 1-3, without prejudice.

Additionally, Applicant has cancelled non-elected claims 4-6 (Group I).

For the record, with respect to the supposed offer of an oral election on June 7, 2007, there was no such offer made to Applicant within that phone call. The Examiner let Applicant know that a written restriction was being sent. **When Applicant respectfully offered to do an oral election, the Examiner refused to entertain such.** Thus, Applicant respectfully submits that, de facto, the Examiner has totally misrepresented the content of such conversation in the present restriction requirement.

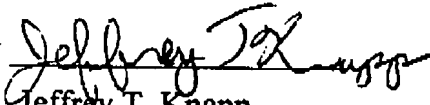
Furthermore, Applicant submits such expressed denial of an opportunity for an oral election, upon being contacted by an Examiner, goes against present USPTO policy, as clearly set forth in MPEP §812.01.

In view of the foregoing, the present application as defined in the pending claims is considered to be in a condition for allowance, and an action to such effect is earnestly solicited.

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Respectfully submitted,

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